

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

JASON BARNETTE,

Plaintiff,

v.

CIVIL ACTION NO. 2:24-cv-00367

TRANS UNION, LLC,

*a foreign limited liability company*, et al.,

Defendants.

**ORDER**

Pending before the Court are Defendant First Premier Bank, Inc.’s and Defendant Trans Union, LLC’s (collectively, “Defendants”) motions to dismiss, (ECF Nos. 18 and 22), Plaintiff Jason Barnette’s (“Plaintiff”) complaint, (ECF No. 2). By Standing Order, this matter was referred to United States Magistrate Dwane L. Tinsley for submission of proposed findings and a recommendation for disposition (“PF&R”). (ECF No. 3.) On November 19, 2024, Magistrate Judge Tinsley filed his PF&R, (ECF No. 46), recommending that this case be dismissed with prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for failure to prosecute, and that the pending motions to dismiss, (ECF Nos. 18 and 22) be denied as moot.

This Court is not required to review, *de novo* or under any other standard, factual or legal conclusions contained within the PF&R to which no objections were addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and Plaintiff’s right to appeal this Court’s order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th

Cir. 1984). In addition, this Court need not conduct a *de novo* review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).

Objections to the PF&R in this case were due on December 3, 2024. (ECF No. 46.) To date, Plaintiff has not filed any objections, thereby waiving *de novo* review of Magistrate Judge Tinsley’s PF&R. Accordingly, the Court **ADOPTS** the PF&R, (*id.*), **DISMISSES** the action **WITHOUT PREJUDICE**, and **DENIES AS MOOT** Defendants’ motions to dismiss, (ECF Nos. 18 and 22).

**IT IS SO ORDERED.**

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: January 13, 2025

  

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THOMAS E. JOHNSTON  
UNITED STATES DISTRICT JUDGE